

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF WASHINGTON

JOSE GARCIA,

Plaintiff,

v.

GRANDVIEW SCHOOL DISTRICT NO. 200,  
ET AL.,

## Defendants.

NO. 10-CV-3118-EFS

ORDER ENTERING RULINGS FROM MAY  
12, 2015 MOTION HEARING

The Court held a telephonic hearing in the above-captioned matter on May 12, 2015. Former Plaintiff's counsel Artis Grant appeared on his own behalf, Karen Koehler and Kerri Feeney appeared on behalf of Plaintiff, and Nick Jenkins appeared on behalf of Defendants. Before the Court was Artis Grant's Motion to Request Reconsideration of Order on Motion to Dismiss. ECF No. 199. At the hearing, the Court heard argument from Mr. Grant and Ms. Koehler, granted the motion for reconsideration, and set an expedited briefing schedule for Plaintiff's Motion to Dismiss Attorney's Lien. This order memorializes and supplements the Court's oral rulings.

On April 1, 2015, former Plaintiff's counsel Mr. Grant filed a Notice of Lien for Attorney's Fees. ECF No. 194. Current Plaintiff's counsel Karen Koehler and Kerri Feeney responded with a motion to

1 dismiss the lien on April 7. ECF No. 195. On April 23, the Court  
2 granted Plaintiff's motion, stating that Mr. Grant had not responded  
3 within the time allowed by Local Rule 7.1, which the Court deemed as  
4 consent to entry of an adverse order. ECF No. 197. The next day, Mr.  
5 Grant filed a Notice of Intent to File Motion for Reconsideration and  
6 Opposition, in which he stated that he would file a motion for  
7 reconsideration and a full responsive brief on Monday, April 27. ECF  
8 No. 198. However, Mr. Grant did not file anything until April 30, at  
9 which time he filed a motion for reconsideration and a related motion  
10 to expedite, ECF Nos. 199 & 200, but did not file a response to  
11 Plaintiff's motion to dismiss. On May 6, the Court granted Mr.  
12 Grant's motion to expedite and set a hearing to "hear argument  
13 regarding both the procedural issues surrounding the motion for  
14 reconsideration and the substantive issues surrounding Plaintiff's  
15 motion to dismiss lien." ECF No. 201 at 1. Plaintiff filed a  
16 response opposing the motion for reconsideration on May 11, ECF No.  
17 203, and Mr. Grant did not file anything further prior to the hearing.

18 Because Plaintiff's motion to dismiss the lien was styled as a  
19 "motion to dismiss" and Local Rule 7.1(a)(3) states that a dispositive  
20 motion is one requesting dismissal, the Court found Mr. Grant's  
21 argument that he should have been allowed 21 days to respond to the  
22 motion to be reasonable and granted his motion for reconsideration.  
23 See LR 7.1(b)(2)(B)(2). After considering the significant prejudice  
24 to Plaintiff by the delay in funding the settlement, Mr. Grant's  
25 motion to expedite, ECF No. 200, and the length of time that has  
26 passed since Plaintiff's motion was filed on April 7, the Court set an

1 expedited briefing schedule on Plaintiff's Motion to Dismiss  
2 Attorney's Lien, ECF No. 195.

3 Accordingly, **IT IS HEREBY ORDERED:**

4 1. Mr. Grant's Motion for Reconsideration of Order on Motion  
5 to Dismiss, **ECF No. 199**, is **GRANTED**.

6 2. The Order Granting Motion to Dismiss Lien, **ECF No. 197**, is  
7 **STRICKEN**.

8 3. Mr. Grant must file a response, which includes citations to  
9 applicable law, to Plaintiff's Motion to Dismiss Attorney's  
10 Lien **by no later than May 21, 2015**. His response brief  
11 shall not exceed 20 pages. He must also file a declaration  
12 supporting his claim of a lien, which outlines the time he  
13 put in and the exact nature of the work he did, and also  
14 sets forth and supports his requested hourly rate.

15 4. Plaintiff's reply must be filed **by no later than five**  
16 **business days after the filing of Mr. Grant's response**.

17 The reply brief shall not exceed 20 pages.

18 **IT IS SO ORDERED.** The Clerk's Office is directed to enter this  
19 Order and provide copies to all counsel.

20 **DATED** this 12<sup>th</sup> day of May 2015.

21 s/Edward F. Shea

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EDWARD F. SHEA

23 Senior United States District Judge